PATENT Customer No. 22,852 Attorney Docket No. 5725.0795-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Application of: | |
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| Roberto CAVAZZUTI et al. | Group Art Unit: 1617 (parent) |
| Application No.: Unassigned) |) Examiner: E. Webman (parent) |
| Filed: February 27, 2004 |)) |
| For: METHOD OF MAKING A MASCARA COMPOSITION COMPRISING POLYAMIDE POLYMER AND AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER (AS AMENDED) |)))) |

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, including any copending applications, were previously submitted or are filed concurrently herewith in the parent application, Application No. 10/182,830, filing date August 2, 2002, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Applicants respectfully request that the

Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language documents.

- 1. <u>DE 38 39 136 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 2. **DE 38 43 892 A** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 3. <u>DE 42 34 886 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 4. **DE 42 08 297 A** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 5. **DE 195 43 988 A** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 6. <u>DE 197 07 309 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 7. <u>DE 197 50 246 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 8. <u>DE 199 51 010 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 9. <u>EP 0 557 196 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 5,858,338, submitted herewith.

- 10. **EP 0 609 132 B1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 11. **EP 0 749 746 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 12. <u>EP 0 749 747 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 5,851,517, submitted herewith.
- 13. **EP 0 749 748 A** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 14. <u>EP 0 775 483 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 15. **EP 0 820 764 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 16. <u>EP 0 847 752</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 17. **EP 0 879 592 A2** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 18. <u>EP 0 887 073 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 6,203,780, submitted herewith.
- 19. **EP 0 923 928 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

- 20. <u>EP 0 925 780 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 21. **EP 0 930 058 B1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 22. <u>EP 0 930 060 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 6,254,877, submitted herewith.
- 23. <u>EP 0 943 340 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 24. **EP 0 958 085 B1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 27. <u>EP 0 959 091 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. US 2002/0119171, submitted herewith.
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also believed to be related to U.S. Patent Application Publication No. US 2001/0014313, submitted herewith.

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- 31. **EP 1 031 342 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 32. **EP 1 048 282 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 33. <u>EP 1 053 742 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 38. <u>EP 1 068 855 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 6,402,408, submitted herewith.
- 39. <u>EP 1 068 856 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 40. **EP 1 086 945 A1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 41. **EP 1 090 627 B1** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 43. FR 1 529 329 A certified English translation of this document is submitted herewith.
- 44. FR 2 232 303 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith. This document is also believed to be related to U.S. Patent No. 3,937,811, submitted herewith.
- 45. FR 2 674 126 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

- 46. FR 2 785 179 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 47. FR 2 796 270 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 48. FR 2 796 271 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 50. FR 2 802 806 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 51. FR 2 811 552 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 52. FR 2 816 506 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 55. <u>JP 56123909 A</u> An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.

- 56. <u>JP 56166276 A</u> An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
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- 60. <u>JP 02/200612</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 64. <u>JP 7179795 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 65. <u>JP 7267827 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

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- 68. **JP 09/255560** An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 69. <u>JP 9295922 A</u> An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
- 70. <u>JP 10/007527</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 71. <u>JP 10/120903</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 72. <u>JP 10/212213</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 73. <u>JP 10259344 A</u> An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
- 74. JP 11106216 A An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
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- 79. <u>JP 2000038316 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 80. <u>JP 2000038317 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 81. <u>JP 2000038321 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 82. JP 2000086427 A An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 83. <u>JP 2000086429 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 84. <u>JP 2000086438 A</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 85. <u>WO 91/12793</u> An English language abstract of this document can be found on the front of this document.
- 86. WO 94/21233 An English language abstract of this document can be found on the front of this document. This document is also believed to be related to U.S. Patent No. 5,612,043, submitted herewith.

- 87. WO 95/15741 An English language abstract of this document can be found on the front of this document.
- 88. <u>WO 95/33000</u> An English language abstract of this document can be found on the front of this document. This document is also believed to be related to U.S. Patent No. 5,747,625, submitted herewith.
- 89. <u>WO 00/27350</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 90. <u>WO 01/52799 A1</u> An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 91. WO 02/47605 A2 An English language abstract of this document can be found on the front of this document. This document is also believed to be related to U.S. Patent Application Publication No. US 2003/0044367, submitted herewith.
- 92. WO 02/47627 A1 An English language abstract of this document can be found on the front of this document. This document is also believed to be related to U.S. Patent Application Publication No. US 2003/0026772, submitted herewith.
- 93. WO 02/055031 A1 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
- 94. WO 02/056845 A1 An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine

that the cited documents do not constitute "prior art" under United States law,

Applicants reserve the right to present to the Office the relevant facts and law regarding
the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: February 27, 2004

Michelle E. O'Brien Reg. No. 46,203

| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
|------------------|-------------------|-----------------|---|
| Applicant | Cavazzuti et al. | | |
| Filing Date | February 27, 2004 | Group: | Not yet assigned |

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| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
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| Applicant | Cavazzuti et al. | | _ |
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| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
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| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
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| Applicant | Cavazzuti et al. | | |
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| Applicant | Cavazzuti et al. | | |
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| Applicant. | Cavazzuti et al. | | |
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| Applicant | Cavazzuti et al. | | |
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| PCT Application No. PCT/US03/41618; Attorney Docket No. 5725.1338-00-0304 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME Inventor: Shao Xiang LU, Terry VAN LIEW, Nathalie GEFFROY-HYLAND International Filing Date: December 22, 2003 |
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| Co-Pending Application No. 10/746,612, Attorney Docket No. 5725.1338-01-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: December 22, 2003 |
| Co-Pending Application No. 10/747,412, Attorney Docket No. 5725.1338-02-000 Title: COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT U.S. Filing Date: December 22, 2003 |
| Co-Pending Application No. Unassigned (Continuation of 10/203,018), Attorney Docket No. 5725.0816-02-000 Title: COMPOSTITION COMPRISING AT LEAST ONE POLYMER CONTAINING JETRO-ATOMS AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: February 27, 2004 |
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| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
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| Applicant | Cavazzuti et al. | | |
| Filing Date | February 27, 2004 | Group: | Not yet assigned |

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| Atty. Docket No. | 05725.0795-02000 | Application No. | Not yet assigned (Continuation Application of Serial No. 10/182,830) |
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| Applicant | Cavazzuti et al. | | |
| Filing Date | February 27, 2004 | Group: | Not yet assigned |

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